IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

OP.No. 3519 of 2003(R)

PETITIONER:

VELUTHAPARAMBATH ASSYA, W/O. MOIDU,
48 YEARS, HOUSE WIFE, KUTTIADY AMSOM,
THONDIPOYIL DESO, VADAKARA TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.B.KRISHNAN
SRI.R.PARTHASARATHY

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM, WITH ADDRESS FOR
SERVICE: SECRETARY, KERALA STATE
ELECTRICITY BOARD, VYDIUTHI BHAVAN,
THIRUVANANTHAPURAM.

2. THE TAHSILDAR, VADAKARA TALUK,
(AUTHORISED OFFICER, REVENUE RECOVERY ACT)
TALUK OFFICE, VADAKARA.

3. STATE OF KERALA WITH ADDRESS FOR
SERVICE: SECRETARY, DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.C.THOMAS, SC, K.S.E.B
GOVERNMENT PLEADER
SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 3519/2003

ORDER ON CMP 6219/2003 IN O.P.NO. 3519/2003

DISMISSED.

01/12/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DEMAND NOTICE UNDER SEC. 7 OF THE REVENUE RECOVEYR ACT IN THE NAME OF THE PETITIONER FOR RS.51,191/- ISSUED BY THE DEPUTY TAHSILDAR, RR VADAKARA DATED 18/01/2003.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 3519 of 2003

Dated, this the 1st day of December, 2007

J U D G M E N T

Petitioner is challenging proceedings for recovery of arrears of electricity charges and surcharges for the period 11/90 to 2/98. Petitioner is the owner of a shop room, where she had taken electricity connection. The shop room was let out to tenant and the tenant, obviously, did not pay electricity bills. Arrears of electricity bills payable is Rs.18,657/- and the interest thereon charged is Rs.30,034/-. Though petitioner was unaware of the mounting arrears of electricity bills, if any monthly bill was not paid supply should have been disconnected in the following month, as required under Rule 32 of the Conditions of Supply, by the KSEB officials. If KSEB has not disconnected supply and allowed the tenant to enjoy supply of power without payment of regular monthly bills, recovery of interest should be made from the concerned officials of Electricity Board and not from the building owner, as she cannot be made responsible for the lapses on the part of the KSEB. In the circumstances, this original petition is disposed of directing 2nd respondent to verify the electricity bills and if it consists of monthly electricity bills accumulated as claimed by the petitioner, then,

recovery shall be limited to the actual electricity bills, which the petitioner is bound to pay. Petitioner is granted time till 15/03/2008 to make payment. 2nd respondent will return the revenue recovery after the recovery of the actual electricity dues from the petitioner for the Electricity Board to recover interest from the concerned officials, for the lapses in collecting monthly bills from the tenant on due dates and for continuing supply to the defaulter.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

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